

REMARKS

In the first Office Action, the Examiner rejected claims 1-11, 15-19, 21, and 24-26 under 35 USC §102(b) as being anticipated by Bieri (US 6,109,493). The Examiner rejected claims 1-35 under 35 USC §103(a) as being unpatentable over Song (US 6,749,244) in view of Frankeny (US 5,785,399). Applicants have canceled claims 1-14 and 27, amended claims 15-26, 28-30, 32 and added new claims 36-38 as reflected by the Claim Listing. Claims 15-26, and 28-38 remain pending in this application.

Reconsideration and re-examination of the application as amended considering the following remarks is respectfully requested.

Rejection Under 35 USC §102(b)

The Examiner rejected claims 1-11, 15-19, 21, and 24-26 as being anticipated by Bieri (US 6,109,493). Applicants have canceled claims 1-14 without prejudice and added new claims directed to similar features as described below. Independent claim 15 has been amended to further distinguish over the prior art relied upon by the Examiner. In particular, claim 15 is directed to an overhead console having a plurality of receptacles closed at one end to retain articles within the receptacles when fanned-out, with at least one side open to provide lateral access to facilitate storing and retrieving articles. These features are not disclosed in Bieri such that the rejection has been obviated. While the remaining claims rejected as being anticipated by Bieri include various features that are not disclosed by Bieri (see claims 18, 19, 25, and 26, for example), these claims depend directly or indirectly on claim 15 and are therefore also patentable for the reasons above. Therefore, Applicants respectfully request the Examiner to withdraw the rejection under 35 USC §102(b).

Rejection Under 35 USC §103(a)

The Examiner rejected claims 1-35 as being unpatentable over Song (US 6,749,244) in view of Frankeny (US 5,785,399). Applicants respectfully disagree and traverse the Examiner's rejection.

The Examiner relies on the teaching of Song '244 which discloses an overhead storage system (20) that includes a CD holder (70). However, the Examiner recognizes that there is no disclosure or suggestion of having a media storage device with a plurality of receptacles that fan-out when the holder is opened as disclosed and claimed by Applicants. The Examiner relies

on the media storage unit disclosed by Frankeny '399 as providing all of the features of Applicants' claimed invention that are not disclosed by Song. While the Examiner has stated that it would have been obvious to one skilled in the art to use the accordion style media storage device such as Frankeny's in the CD holder disclosed by Song, the Examiner has failed to present a prima facie case of obviousness in that the Examiner has not identified any teaching or suggestion in either reference that would motivate one of ordinary skill in the art to combine these features absent impermissible use of hindsight based on Applicants' disclosure. Furthermore, as described in greater detail below, the proposed combination fails to teach or suggest various patentable features of Applicants' claimed invention, even if the combination were proper. The proposed combination also would not function in a similar manner to provide the same advantages and features of Applicants' claimed invention.

The media holder disclosed by Frankeny does include a plurality of receptacles joined together by a flexible material. However, Frankeny does not disclose that the receptacles are removable from the storage compartment as disclosed and claimed by Applicants. There would be no need to provide such a feature for the Frankeny device because the entire storage unit is portable. Furthermore, there is no teaching or suggestion in Frankeny '399 that the disclosed media storage unit could be integrated or installed in another more permanent device, or in a vehicle. As such, there is no suggestion of providing such a feature for the Frankeny device, and there would be no motivation to provide such a feature because the storage unit including the receptacles can be easily transported.

Applicants respectfully disagree with the Examiner's statement that the Frankeny device can receive media from multiple sides so it could receive media laterally. The Examiner's statement is simply not supported by the disclosure of Frankeny. As can be clearly seen in Figures 5 and 6 of Frankeny, the flexible material that joins the receptacles together passes through the approximate center of the sides of the receptacles. There is no disclosure or suggestion to provide lateral access to the receptacles. Even if the receptacles had open sides, which Frankeny does not teach or suggest, the flexible material would prevent lateral access as disclosed and claimed by Applicants. The Frankeny disclosure does not teach or suggest use of the storage device in an overhead application as disclosed and claimed by Applicants, so there would be no motivation to modify the Frankeny device to provide such a feature. As such, the combination proposed by the Examiner,

even if proper, would not function the same or provide the same advantages as Applicants' claimed invention. For example, the proposed combination would not retain stored media within the receptacles, nor allow the receptacles to be removed from the storage compartment.

Similarly, Song discloses an overhead console having a drawer or compartment identified as a CD holder. However, as stated by Applicants in the Background section of the application in paragraph 4,

" While most vehicles include a variety of general-purpose storage areas, the use of these areas to stow digital media is often inconvenient and undesirable. Loose items may damage digital storage media, items or media may rattle or fall out of a storage compartment during transit, or items and/or media may simply be unorganized with the ensuing difficulty in locating a desired item."

Song '244 does not recognize this problem and therefore offers no teaching or suggestion for solving the problem. As such, there is no motivation based on Song '244 to modify the CD holder to provide a similar functionality as that disclosed and claimed by Applicants. Likewise, absent recognition of a problem with the CD holder disclosed by Song '244, there would be no motivation to combine a media storage as disclosed by Frankeny '399.

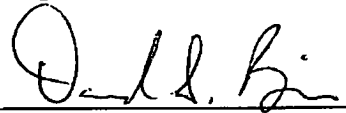
For the reasons stated above, Applicants respectfully submit that the proposed combination is improper, and that Applicants' claimed invention includes a number of patentable features that are neither disclosed nor suggested by Song '244 or Frankeny taken alone or even when taken in the combination proposed by the Examiner. Applicants respectfully request the Examiner to withdraw the rejection under 35 USC §103.

Summary

Applicants have made a genuine effort to respond to each of the Examiner's rejections to advance the prosecution of this case. Applicants respectfully submit that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

No additional fee is believed to be due based on the filing of this response. However, please charge or credit any fee deemed necessary for the filing of this response to Deposit Account 50-2438 (Lear Corporation).

Respectfully submitted,



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